

**CITY OF GAUTIER  
Business Agenda Item #3  
Fact Sheet**

**Council Meeting:**

**December 1, 2015**

**Title:**

**An ordinance prohibiting public indecency,  
amending Chapter 15: Offenses and Miscellaneous  
Provisions of the Code of Ordinances of Gautier**

**Introduced by:**

**Contact Person/Telephone**

**Councilwoman Mary Martin 217-2792**

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**Summary Explanation: An Ordinance prohibiting public indecency, amending Chapter 15: Offenses and Miscellaneous Provisions of the Code of Ordinances of the City of Gautier, to prohibit public indecency.**

**EXHIBITS FOR REVIEW**

<b>Resolution</b>	<input type="checkbox"/>
<b>Ordinance</b>	<input checked="" type="checkbox"/>
<b>Contract</b>	<input type="checkbox"/>
<b>Minutes</b>	<input type="checkbox"/>
<b>Plan Maps</b>	<input type="checkbox"/>
<b>Order</b>	<input type="checkbox"/>
<b>Other/Public Hearing</b>	<input type="checkbox"/>
<b>Submittal Authorization</b>	<b>City Manager</b>

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**Staff Recommendation:**

**Approval**

**Motion Made by:**

<b>Gollott</b>	<input type="checkbox"/>	<b>Martin</b>	<input type="checkbox"/>	<b>Jones</b>	<input type="checkbox"/>	<b>Guillotte</b>	<input type="checkbox"/>	<b>Vaughan</b>	<input type="checkbox"/>	<b>Anderson</b>	<input type="checkbox"/>	<b>Colledge</b>	<input type="checkbox"/>
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**Second Made by:**

<b>Gollott</b>	<input type="checkbox"/>	<b>Martin</b>	<input type="checkbox"/>	<b>Jones</b>	<input type="checkbox"/>	<b>Guillotte</b>	<input type="checkbox"/>	<b>Vaughan</b>	<input type="checkbox"/>	<b>Anderson</b>	<input type="checkbox"/>	<b>Colledge</b>	<input type="checkbox"/>
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<b>Voted as follows:</b>		<b>Ayes</b>	<b>Nays</b>	<b>Abstained</b>	<b>Absent</b>
<b>Mayor</b>	<b>Gollott</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>At Large</b>	<b>Martin</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ward 1</b>	<b>Jones</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ward 2</b>	<b>Guillotte</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ward 3</b>	<b>Vaughan</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ward 4</b>	<b>Anderson</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ward 5</b>	<b>Colledge</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Action Taken:**

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi the following:

**ORDINANCE NUMBER \_\_\_\_-2015**

**ORDINANCE PROHIBITING PUBLIC INDECENCY**

**AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, AMENDING CHAPTER 15: OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF GAUTIER, TO PROHIBIT PUBLIC INDECENCY**

**WHEREAS**, is hereby found and determined that specified conduct and acts should be prohibited.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI:**

**SECTION 1.** Section 15-6 of the Gautier Code of Ordinances shall be enacted as follows:

**Section 15-6. Public Indecency**

(a) *Public indecency.* It shall be unlawful for any person to willfully perform any of the following acts in a place where a person should reasonably expect to be in view of the public:

- (1) An act or simulated act of sexual intercourse or masturbation;
- (2) Exposure of one's genitals;
- (3) A lewd caress or indecent fondling of the sexual organs of any person, including oneself;
- (4) Urination or defecation;
- (5) Lewdly appearing in a state of partial or complete nudity; or
- (6) Intentionally wearing pants or skirts below the top of the hips (crest of the ilium) in a manner designed to reveal one's skin or undergarments.

(b) *Fines and penalties.* A citation shall be issued to the offender and the person shall be subject to a fine of not less than \$75.00 and not more than \$250.00 plus any assessments.

In addition to the fine, the municipal court may order such person to participate in up to 40 hours of court approved community service activities. Violators shall not be subject to arrest or imprisonment for violation of this section, however, the municipal court shall

have full authority to enforce its orders, judgments and sentences.

- (c) *Defenses.* It is a defense under this section if it is determined, after a hearing or trial, that the person was exercising rights protected by the federal or state constitution. Any defense under this section must be asserted prior to any hearing or trial in the matter

**SECTION 2.** All provisions of the ordinances of the City in conflict with the provisions of this section shall be and the same are hereby repealed and all other provisions of the ordinances of the City not in conflict with the provisions of this section shall remain in full force and effect.

**SECTION 3.** Should any sentence, paragraph subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole and, to that extent, the same shall remain in full force and effect.

**SECTION 4.** This ordinance shall become effective thirty (30) days after passage and publication.

Thereupon, upon motion duly made by **Councilman**, seconded by

**Councilman** to adopt the foregoing ordinance and received the following votes:

**AYES:**

**NAYS:**

Thereupon, the Mayor declared said Ordinance approved, passed and adopted on this the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2015.

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**Gordon Gollott, Mayor**

**Attest:** \_\_\_\_\_  
**Cynthia Russell**  
**City Clerk**